



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7857 Web www.bvnpt.ca.gov



DATE: August 22, 2012

TO: Board Members

FROM: 
Linda Ruyters
Administrative Analyst

SUBJECT: Legislative Report

Listed below are the key bills that the Board has been following. *An updated version of this report will be distributed to Board members at the Regular Board Meeting.*

- AB 338 – Regulations: Legislative Validation: Effective Date: Requires the Office of Administrative Law to submit to the Legislature for review a copy of each disapproved regulation where the basis for that disapproval was a determination that the agency exceeded its statutory authority in adopting the regulation. Requires that a regulation become effective on a specified day after it is filed with the Secretary of State, unless prescribed conditions occur.
Status: 05/14/2012: In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.
- AB 1504 – Administrative Regulations: Requires boards within the Department of Consumer Affairs to waive renewal fees, continuing education and other renewal requirements as determined by the board, of any licensee or registrant who is a reservist called to active duty as a member of the Military Reserve or the California National Guard if certain requirements are met. Requires a licensee or registrant to meet certain renewal requirements within a specified period after discharge and prior to engaging in activity requiring a license.
Status: 07/03/2012: From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).
- AB 1537 – Government Accountability Act of 2012: Enacts the Government Accountability Act of 2012. Requires that a major proposed regulation include a provision to repeal the regulation within a specified time period after approval by the Office of Administrative Law. Requires the Office to return to an agency any proposed regulation that does not include the repeal provision, unless the Legislature enacts a statute that expressly validates and approves the content.
Status: 4/10/12: In Assembly Committee on Business, Professions & Consumer Protection: Not heard.
- AB 1588 – Professions and Vocations: Reservist Licensees: - Requires boards within the Department of Consumer Affairs to waive renewal fees, continuing education and other renewal requirements as determined by the board, of any licensee or registrant who is a reservist called to active duty as a member of the Military Reserve or the California National Guard if certain requirements are met. Requires a licensee or registrant to meet certain

renewal requirements within a specified period after discharge and prior to engaging in activity requiring a license.

Status: 08/15/2012: In SENATE. To Special Consent Calendar.

- AB 1904 – Professions and Vocations: Military Spouses: Relates to the issuance of reciprocal licenses, regulated by the Department of Consumer Affairs, in certain fields. Requires a board within the department to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to or in a legal union with an active duty member of the armed forces of the United States who is assigned to a duty station in the state under official active duty military orders.
Status: 4/18/12: 08/15/2012 In SENATE. To Special Consent Calendar.
- AB 1914 – Agency Reports: Requires each state or local agency to submit a list of all reports the agency has not yet submitted to the Legislature along with a status summary for each report, including a statement explaining why any overdue report has not yet been submitted and a compliance plan. Provides that the Legislature may withhold appropriations for any agency that fails to submit timely reports.
Status: 05/25/2012: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
- AB 1932 – United States Armed Forces: Healing Arts Boards: Requires every healing arts board to issue a written report to the Department of Veterans Affairs and the Legislature that details methods of evaluating the education, training, and experience obtained in military service and whether such education, training and experience is applicable to the board's requirements for licensure.
Status: 06/07/2012: To SENATE Committee on RULES.
- AB 1969 – Regulations: Filing: Relates to the requirements for the adoption, publication, review and implementation of regulations by state agencies, and for the review of those regulatory actions by the Office of Administrative Law. Prohibits the office from transmitting any regulation to the Secretary of State for filing that it receives between specified dates. Exempts a regulation of a public safety or public health agency or department.
Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).
- AB 1976 – Licensure and Certification: Military Experience: Requires a health arts board within the Department of Consumer Affairs, upon the presentation of qualifying evidence by an applicant for licensure, to accept military service related education, training, and practical experience towards licensure or certification qualifications. Requires schools seeking accreditation or approval to have procedures in place to accept that same information toward completion of education to qualify a person to apply for licensure. Relates to the adoption of regulations.
Status: 05/25/2012: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
- AB 1982 – Regulations: Effective Date: Legislative Review: Relates to regulations and administrative reviews to determine economic impact. Requires the Office of Administrative Law to submit to the Legislature for review a copy of each major regulation that it submits to the Secretary of State. Extends the time period that a regulation becomes effective after being filed with the Secretary of State. Specifies that the list of prescribed conditions that prevent a regulation from becoming effective include a statutory override of the regulation.

Status: 05/25/2012 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

- AB 2041 – Regulations: Adoption: Disability Access: Requires an agency to publish a notice of proposed action that includes specified information at least 45 days prior to a hearing and the close of the public comment period. Requires an agency that proposes specified types of regulations to include within the notice of proposed action a specified statement regarding the availability of narrative description for persons with visual or other specified disabilities.

Status: 05/25/2012 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

- AB 2090 – Regulations: Defines a major regulation as a regulation that an agency determines has an expected economic impact on business enterprise and individuals in a specified amount. Modifies the requirements that an adopting agency must meet when the economic impact analysis and the standardized regulatory impact analysis. Requires the submission of a detailed summary when proposing to adopt a major regulation to specified persons and entities.

Status: 05/25/2012 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

- AB 2091 – Regulations: New or Emerging Technology: Requires a state agency proposing an administrative regulation that would require a person or entity to use a new or emerging technology or equipment to determine if that technology is available and effective in accordance with certain requirements. Requires the state agency to submit to the Office of Administrative Law, and make available to the public upon request, a statement that the agency has complied with the requirements of the Administrative Procedure Act.

Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).

- AB 2213 – Government Reorganization: Realignment or Closure: Establishes the Bureaucracy Realignment and Closure Commission to consider recommendations for the closure or realignment of state bureaucracies submitted by specified entities. Requires the commission to conduct related public hearings.

Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).

- AB 2370 – Mental Retardation: Change of Term: Revises various statutes that refer to mentally retarded persons to, instead, refer to a person with an intellectual disability. States the intent of the Legislature not to make a change to services or the eligibility for services. Provides that this would be known as the Shriver R-Word Act.

Status: 4/24/12: 08/15/2012 In SENATE. Read third time and amended. To second reading.

- AB 2389 – Contractor Disclosure Requirements: Relates to contractor disclosure requirements. Prohibits contractors who enter homes and places of lodging to utilize a uniform that bears the logo of the contracting entity or drive a vehicle with such logo without meeting disclosure requirements. Provides for public awareness of the growing contract workforce through such required disclosures. Specifies these provisions shall not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed.

Status: 4/24/12: 08/07/2012 In SENATE. Read second time. To third reading.

- AB 2401 – Secure Electronic Communications: Authorizes a business, a government agency, government official, or a person acting with official government authority to communicate with a person in writing by the use of a secure electronic delivery service.
Status: 03/19/2012: To ASSEMBLY Committee on JUDICIARY.
- AB 2458 – Healing Arts: Health Care Practitioners: Makes technical, nonsubstantive changes to existing law providing for the licensure and regulation of various health care practitioners and requiring those health care practitioners to disclose their license status while working on a name tag in specified type.
Status: 02/24/2012 INTRODUCED.
- AB 2570 – Licensees: Settlement Agreements: Relates to professional misconduct by an attorney. Prohibits a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs from including a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program. Authorizes any entity within the department to adopt related regulations exempting such agreements for causes of action.
Status: 08/07/2012: In SENATE. Read second time. To third reading.
- SB 60 – Mental Health: State Hospitals: Amends existing law requiring a mental health patient determined to be a high-security risk to be treated in the department's most secure facilities, and other patients to be treated near the patient's community. Deletes these provisions governing evaluation and treatment, and instead requires a risk evaluation upon commitment to any state hospital, of a patient who is being committed pursuant to any provision of the Penal Code.
Status: 08/25/2011 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
- SB 103 – State Government: Meetings: Authorizes a state body, to the extent practicable, to conduct teleconferencing meetings. Requires a state body to provide a supplemental live audio broadcast on the Internet Web site of its board meetings that are open to the public unless it is determined to be too costly. Prohibits teleconference meetings as a matter of convenience. Requires a body that operates an Internet Web site to provide a supplemental live audio or video broadcast on the Web site of board meetings open to the public.
Status: 08/25/2011: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
- SB 122 – Nursing: Relates to healing arts to include the meetings of the Board of Registered Nurses and the board's approval of nursing schools; regards the voluntary certification and education requirements of massage therapists by the State Massage Therapy Council and the suspension or revocation of the certification by the board for sex-related offenses by the individual or his or her employer, and imposes consequences for a license holder for certain convictions.
Status: 08/08/2012: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
- SB 975 – Professions and Vocations: Regulatory Authority: Provides the State Architects Board and the Board of Professional Engineers, Land Surveyors, and Geologists have the sole and exclusive authority to license and regulate professions and vocations regulated by those boards pursuant to provisions of the Business and Professions Code and that no

licensing requirements shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the board.

Status: 07/05/2012: In ASSEMBLY. Read second time. To third reading.

- SB 1099 – Regulations: Amends the Administrative Procedure Act. Provides that a regulation or order of repeal is effective on specified dates, subject to specified exceptions. Requires the Office of Administrative Law to make a free copy of the full text of the Code of Regulations available on its Internet Web site. Requires state agencies and the office to provide on its Internet site a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness.

Status: 08/08/2012: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

- SB 1165 – Public Utilities Commission: Intervenor Compensation: Amends existing law that provides for compensation for reasonable advocate's fees, expert witness fees, and other costs to public utility customers for participating or intervention in any proceeding of the Public Utility Commission based upon specified criteria. Includes a school district, county office of education, or community college district in the definition of a customer that may apply for intervenor compensation.

Status: 05/24/2012: In SENATE Committee on APPROPRIATIONS: Held in committee.

- SB 1374 – Liability: Good Faith Reliance on Administrative Rules: Relates to the tort liability and immunity of, and claims and actions against, public entities and their officers and employees. Provides that certain persons shall not be liable or subject to punishment for a violation of a civil statute or regulation if such person plead and proved that the person had sought an applicable written order, ruling, approval, interpretation, or enforcement policy from the agency charged with interpreting that area of law and relied upon and conformed to that interpretation.

Status: 05/08/2012: In SENATE Committee on JUDICIARY: Failed passage.

- SB 1381 – Mental Retardation: Change: Intellectual Disability: Revises existing law referring to mental retardation or a mentally retarded person to refer instead to intellectual disability or a person with an intellectual disability.

Status: 08/13/2012: In ASSEMBLY. Read third time and amended. To third reading.

- SB 1520 – State Government: Administrative Efficiency: Amends the Administrative Procedure Act regarding an initial statement of reasons that include standardized economic impact analysis for each major regulation proposed. Requires that the statement of reasons include a standardized impact analysis for each major regulation proposed. Amends the Permit Streamlining Act. Requires the Office of Planning and Research to provide specified information to a permit applicant. Relates to dispute resolution by the office and a fee for such services.

Status: 08/08/2012: In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

